

Message Text

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ORIGIN ARA-10

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DRAFTED BY: ARA/PPC:PESTORING

APPROVED BY: ARA:JFKEANE

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE IMMEDIATE

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S/S FOR BODINE

FOLLOWING REPEAT LA PAZ 4136 ACTION SECSTATE DTD 28 MAY

QTE

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FOR ASSISTANT SECRETARY TODMAN

E.O. 11652: N/A

TAGS: SNAR, CASC, BL

SUBJECT: AMERICAN PRISONERS

REF: LA PAZ 4013, LA PAZ 4080

1. MINISTER INTERIOR, GENERAL JUAN PEREDA, INFORMED ME
ON MAY 27 THAT HE HAD HAD LONG MEETING WITH JUDGES, FISCALES,
NARCOTICS POLICE, AND MEMBERS MININTERIOR DURING AFTERNOON MAY 26
AND MORNING MAY 27 TO REVIEW CASE OF EACH AMERICAN DETAINEE ON
NARCOTICS CHARGES. MINISTER ASKED ME TO PASS TO YOU AND
MS. FALCO, WHO IS HERE IN BOLIVIA, THE FOLLOWING:

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A.) NEWLY NAMED JUDGES WILL START FUNCTIONING NEXT WEEK
BUT WILL NOT BE ASSIGNED TO CASES WHICH ARE WELL ADVANCED.
EMBASSY LEGAL ADVICER HAD ASKED ME TO MAKE THIS SPECIAL
REQUEST BECAUSE HE FEARED CASES WOULD BE SET BACK.
MINISTER SAID HE HAS ARRANGED IT SO THE OLD JUDGES WILL STICK
WITH CASES THEY HAVE BEEN HANDLING. THIS RESPONDS TO CONCERNS
OF SOME OF THE PRISONERS.

B.) MINISTER SAID THAT GROUP OF FISCALES AND JUDGES PROMISED HIM (EMPHASIZED HE IS NOT MAKING THIS COMMITMENT, RATHER HE IS TELLING US WHAT THE JUDICIAL PARTIES HAVE STATED) THAT THE SUPERIOR COURT WILL COMPLETE BEFORE JUNE 13 THE REVIEW OF THE CASES OF THE FOUR MEN FROM THE STATE OF WASHINGTON WHO ALREADY HAVE BEEN SENTENCED.

C.) THE JUDGES AND FISCALES PROMISED HIM THAT THEY WILL DO EVERYTHING THEY CAN TO ACCELERATE CASES OF ALL AMERICAN PRISONERS.

D.) HE PERSONALLY WILL FOLLOW UP EACH WEEK, ON EACH CASE, IN THE NEXT WEEKS.

2. MINISTER SAID HE VERY LEERY ABOUT MAKING COMMITMENTS WHICH HE CANNOT PERSONALLY KEEP, ESPECIALLY ABOUT MATTERS NOT TOTALLY WITHIN HIS COMPLETE JURISDICTION. HE FEELS BURNED BY SOME OF HIS OWN PAST STATEMENTS, I BELIEVE. HE TOLD ME THAT IN THE TWO MEETING THERE HAD BEEN EMOTIONAL OUTBURSTS, RECRIMINATIONS BY JUDGES AGAINST FISCALES, FISCALES AGAINST JUDGES, BUCK PASSING, AND SOME BITTERNESS ABOUT OUTSIDE PRESSURE, PARTICULARLY IN FAVOR OF ONE GROUP OF FOREIGN CITIZENS. MINISTER SAID IT HAD BEEN NECESSARY TO SCHEDULE SECOND MEETING TO OVERCOME THESE ATTITUDES AND TO COMPLETE THE CASE BY CASE REVIEW. HE SAID THAT HE FELT THAT THE SITUATION IS NOW IN HAND. IN THAT CONNECTION HE SAID THAT HE FOUND VERY USEFUL MY LETTER OF MAY 26 IN WHICH I LISTED SPECIFIC ACTIONS WHICH I FELT COULD BE TAKEN BEFORE JUNE 13 TO RESOLVE SEVERAL CASES AND ADVANCE OTHERS. COPY MY LETTER POUCHED TO ARA/AND/B. LIMITED OFFICIAL USE

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3. I SENT MINISTER SECOND LETTER, COPY ALSO POUCHED, ATTACHING A DRAFT FOR AN AMENDMENT TO THE NARCOTICS LAW TO ELIMINATE THE AUTOMATIC REVIEW OF SENTENCES BY THE SUPREME COURT. I ALSO SENT MINISTER COPY OF LETTER I AM HAVING HAND DELIVERED TO PRESIDENT OF SUPREME COURT, ASKING HIM TO PASS THE WORD THROUGHOUT THE JUDICIAL SYSTEM TO ACCELERATE JUDICIAL PROCESSES OF AMERICAN CASES IN THE NAME OF JUSTICE. MINISTER SAID MY LETTERS WERE HELPFUL. HE DID NOT MAKE COMMITMENT ON TIMING OF ELIMINATION SUPREME COURT REVIEW, SO WE SHALL CONTINUE TO PUSH THROUGH SUB-SECRETARY OF JUSTICE, THE RESPONSIBLE OFFICIAL IN THE MINISTRY FOR DRAFT LEGISLATION IN THE JUDICIAL FIELD. IF A CASE GETS TO SUPREME COURT BEFORE AUTOMATIC REVIEW REQUIREMENTS ELIMINATED, WE SHALL USE EVERY MEANS AVAILABLE TO PUSH IT THROUGH AS FAST AS WE CAN.

4. I SHOULD NOTE THAT I HAD LEGAL ADVISORS GO OVER EACH LETTER.

5. OUR LEGAL ADVISOR CALLED TO STATE THAT DR. NILS NOYA, DIRECTOR, REHABILITATION INSTITUTE, IS GETTING UPSET WTH CONDUCT OF DANIEL GOLDMAN. DOCTOR IS NOT ABLE TO CONTROL HIM AND IS AFRAID HE WILL NOT BE ABLE TO KEEP HIM IN WHAT IS A RATHER FREE ENVIRONMENT. HE MAY HAVE TO MOVE HIM TO ANOTHER CLINIC WHERE HE PROBABLY WILL BE DETAINED IN A CELL. WE HAVE TALKED WITH DOCTOR AND HAVE PERSUADED HIM TO KEEP ON WITH GOLDMAN FOR A WHILE LONGER. MEANTIME, WILLIAM RODENBURG, WHO IS IN SAME INSTITUTE, IS BEING GIVEN FREQUENT PASSES TO LEAVE ON HIS OWN, BECAUSE DOCTOR BELIEVES GOLDMAN BAD INFLUENCE ON RODENBURG.

6. I AM PLANNING TO VISIT COCHABAMBA AND SANTA CRUZ NEXT WEEK AND PLAN TO VISIT BOTH JAILS. I WILL ALSO VISIT CLINIC IN SANTA CRUZ WHERE SUSAN SCANLON LIMITED OFFICIAL USE

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INTERNEED REPORTEDLY (BY DR. FOIANINI) NOT FOR SPECIFIC MEDICAL PROBLEM BUT FOR GENERAL RUN-DOWN CONDITION.

7. I AM SENDING A RECOMMENDATION FOR DEPARTMENT TO ISSUE STATEMENT IN DEFENSE OF ITSELF, FOREIGN SERVICE, EMBASSIES, CONSULATES, AND OUR OFFICERS FROM FURTHER PRESS ATTACKS. I AM PROPOSING THAT DEPT TRY TO CLARIFY AGAIN FOR U.S. PUBLIC OPINION THAT CONSULAR OFFICERS ARE NOT ABLE TO OBTAIN RELEASE OF AMERICAN CITIZENS IN JUDICIAL PROCESS OVERSEAS AND IN FACT DEPT ITSELF HAS ISSUED BULLETINS FREQUENTLY POINTING OUT THAT CONSULS CAN'T GET CITIZENS OUT OF JAIL. I BELIEVE THAT IT IS TIME FOR DEPT TO DEFEND ED MILBURN, OUR CONSUL HERE, WHO HAS DONE A SPLENDID JOB UNDER THE MOST DIFFICULT CIRCUMSTANCES. FOR PARENTS TO SAY AND NEWSPAPERMEN TO REPEAT THAT PRISONERS TURN TO MILBURN FOR HELP AND HE BRUSHES THEM OFF, IS NOT TRUE. MILBURN IS, NATURALLY, BEING BOTHERED BY THESE ATTACKS, AND HIS WIFE IS UPSET WHEN SHE READS ABOUT ATTACKS ON HER HUSBAND AFTER TWO YEARS OF HAVING HIM COMING HOME LATE IN THE EVENING AFTER DOING HIS LEVEL BEST TO HELP THE PRISONERS. I HOPE THAT YOU WILL SUPPORT ME IN THIS EFFORT TO HAVE MILBURN GIVEN THE SUPPORT BY THE DEPT HE DESERVES. STEDMAN UNQTE CHRISTOPHER

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